

Remarks

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims and the following remarks.

Claims 1 and 3-8 are pending in the present application. Claims 1, 3, 5 and 6 have been amended to further clarify and define the invention. Specifically, claims 1, 5 and 6 have been amended to clarify that an acidic-soluble soybean protein is not a hydrolysate thereof. Support for the amended claims can be found on page 7, lines 5-7 of the present specification.

Entry of the present Amendment is respectfully requested.

With regards to the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) to Nakayama *et al.*, U.S. Patent No. 6,287,623 (hereinafter "Nakayama"), Applicants respectfully traverse these rejections and request that the Examiner reconsider the arguments provided in the response dated September 28, 2009 in light of the currently amended claims.

Applicants also provide the following additional comments.

Applicants respectfully submit that that vegetable protein itself is clearly distinguished from its hydrolysate. As previously noted, page 7, lines 5-7 of the present specification discloses:

"The acidic-soluble protein may be either of vegetable protein or animal protein, and a hydrolysate thereof may also be used." (emphasis added).

Applicants also submit that the Examiner refers to only part of above sentence, and recognizes that the vegetable protein contains its hydrolysate. Applicants submit that this recognition is unacceptable since the entire sentence needs to be read in context, as provided above.

However, in order to advance prosecution, Applicants have amended the claims to clarify that an acidic-soluble soybean protein is not a hydrolysate thereof.

On the other hand, the soybean protein within the Nakayama reference is a hydrolysate.

Therefore, Applicants respectfully submit that the presently claimed invention is clearly distinguished from the Nakayama reference.

Additionally, on page 7, lines 10-12 of the present specification, Applicants note that acidic-soluble soybean protein has stronger astringency than whey protein such as whey protein concentrate and whey protein isolate.

This astringency is an unpleasant feeling that arises when the protein is mixed with saliva, which causes flocculation to occur in the mouth (see page 4, lines 12-14 of the present specification).

In contrast, since the soybean protein hydrolysate within the Nakayama reference is a low molecular weight material, such flocculation does not take place even when it is mixed with saliva. Therefore, Applicants submit that based on the teachings in Nakayama, astringency problems are not present within the Nakayama reference.

Therefore, the astringency issue is peculiar to the acidic-soluble soybean protein itself, which is not contemplated in the Nakayama reference. Accordingly, Applicants submit that the presently claimed invention solves the astringency issue for the first time.

As mentioned above, Nakayama does not disclose using the acidic-soluble soybean protein itself. Further, the problem addressed in Nakayama is different than that of the presently claimed invention.

For the foregoing reasons, Applicants contend that the presently claimed invention is not anticipated by the Nakayama reference. Further, since Nakayama does not teach or suggest the presently claimed invention, it is unobvious to one of ordinary skill in the art.

Applicants respectfully request reconsideration and withdrawal of the rejections based on the Nakayama reference.

Conclusion

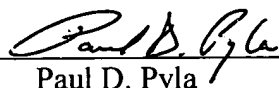
Applicants respectfully submit that all of the rejections previously raised by the Examiner have been overcome, and that the present application now stands in condition for allowance.

Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Paul D. Pyla at the telephone number below, in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 23-0975 for any additional fees required under 37 C.F.R. §§1.16 or 1.17.

Respectfully submitted,

Kyoko ISHIMOTO et al.

By  #59,228
Paul D. Pyla
Registration No. 59,228
Attorney for Applicants

WMC/PDP/kh
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
January 22, 2010